

MANDATE

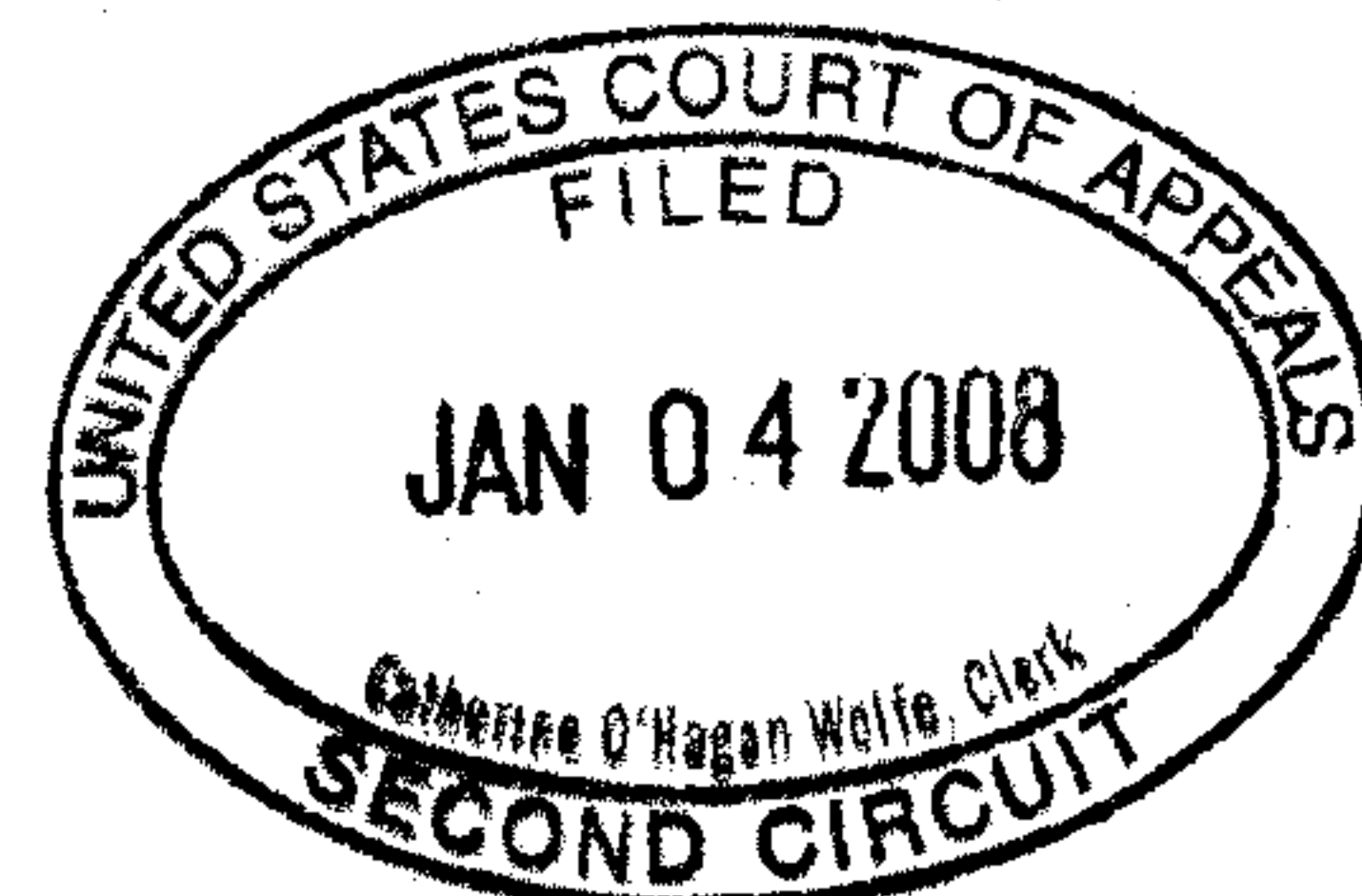
S.D.N.Y.-N.Y.C.
07-cv-6040
Batts, J.

United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 4th day of January, two thousand and eight.

Present:

Hon. Dennis Jacobs,
Chief Judge,
Hon. Guido Calabresi,
Hon. Rosemary S. Pooler,
Circuit Judges.



Faness France,

Plaintiff-Appellant,

v.

07-3344-cv

Viacom, Inc., *et al.*,

Defendants-Appellees.

Appellant, *pro se*, moves for leave to proceed *in forma pauperis* and for this Court to list omitted defendants on the public docket. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed *in forma pauperis* is GRANTED, and the order of the District Court dismissing this appeal is VACATED, for the purpose of remanding the proceeding for the district court to afford Appellant an opportunity to amend her complaint. See 28 U.S.C. § 1915(e)(2)(B)(ii); *Gomez v. USAA Fed. Sav. Bank*, 171 F.3d 794, 795-96 (2d Cir. 1999) (holding that a district court should afford a *pro se* plaintiff an opportunity to amend his complaint prior to its dismissal for failure to state a claim unless the court can rule out any possibility, however unlikely it might be, that an amended complaint would succeed in stating a claim). It is further ordered that the motion to add

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ISSUED AS MANDATE:

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names to the docket is DENIED.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: Lucille Carr

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Catherine O'Hagan Wolfe, Clerk

by SLC
DEPUTY CLERK